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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,352	07/28/2000	Masahide Noda	1405.1024/JDH	3309
21171	7590	11/05/2004		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CHOUDHARY, ANITA	
			ART UNIT 2153	PAPER NUMBER

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/628,352

Applicant(s)

NODA ET AL.

Examiner

Anita Choudhary

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on August 6, 2004 has been entered. Claims 1, 2, and 5-12 have been amended and are presented for further examination. New claims 13-17 are added. Claims 3 and 4 have been cancelled.

Claims 1, 2, 5-17 are pending.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, and 5-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5, 7, 8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 5,736,982).

In referring to claim 5 and 10-12, Suzuki shows a server controlling the display of avatars on each respective terminal depending of each avatars position and viewing point in a virtual space (see abstract). Suzuki show:

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An association table (figure 7, 12E, fig. 5 53A, 53B) that relationally stores a predetermined event (movement vectors) occurring in a chat space with participating chat devices, and corresponding plurality of different predetermined operation instructions corresponding to a plurality of different chat device destinations to operate image representation of chat participants that are installed in the chat device destinations (col. 5 lines 50-col. 6 lines 21),

A chat event detector detecting a predetermined event, based on the association table (col. 6 lines 1-6, detecting which avatars are moving, have moved into or moved out or a respective avatars viewing space),

an operation instructions determiner determining the plurality of the different operation instructions for the detected event, based on the association table (col. 8 lines 15- col. 9 line 16, fig. 9a-9f, not all users having the same viewing point, therefore each user receiving a different instructions to display their specific viewing point of the virtual space and the movements therein),

a destination determiner determining the corresponding plurality of the different chat device destinations to be transmitted the determined plurality of the different operation instructions, based on the association table (fig. 5, 53A, 53b, see also col. 8 line 15- col. 9 line 16 for representation of different viewing points of each user within a virtual space),

a transmitter transmitting the determined plurality of the different operation instructions via a chat system to determined corresponding chat device destinations to operate the image representation of the chat participant that are installed in the chat device destinations (col. 5 lines 50-67).

In referring to claim 7, Suzuki shows a controller selecting a plurality of operations instructions that correspond to the events (movement) in the chat space to operations the image representations of the chat participants, based on predetermined conditions when the plurality of the operation instructions occur with the same chat device as a chat device destination, and sending the selected plurality of the operation instructions to the same chat device (col. 9F, col. 9 lines 5-10, plurality of avatars in view).

In referring to claim 8, Suzuki shows:

Image representations of chat participant are installed in one of the chat devices, the destination determiner determines on the plurality of the image representations of the chat participant to operate from among the image representations of the participant, based on the detected event (col. 7 lines 15-45, based on movement server determines display avatars in eyes view),

The transmitter sends a determined operations instruction including a specification of the image representations of the chat participant to the corresponding chat device destination to operate therein the specified image representation of the chat participant (col. 8 lines 15- col. 9 line 16, fig. 9a-9E shows various view points).

Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Liles et al. (US 5,880,731).

Liles shows avatars in an on-line chat session for communicating gesturing movements. Liles shows: an input unit to input operation instruction to operate the image representations of the chat participants (col. 7 lines 7-24, inputting movements).

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a communicator (server) sending the input operation instructions and receiving operations instructions for operating the image representation of the chat participant, between the chat device and the image representation of the chat participant (col. 9 lines 4-15).

A controller controlling the image representation of the chat participant based on said received operation instructions (col. 4 lines 2-13, col. 7 line 66- col. 8 line 26).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiio et al. (US 5,491,743) in view of Suzuki et al. (US 5,736,982).

Shiio shows a virtual conferencing system having a method for displaying animated characters representing attendants of the virtual conference. The animated characters operate according to indicated actions of a user in the virtual conference (see abstract). In referring to claim 1 Shiio shows:

Installing in the chat devices image representations of chat participants that can be operated according to predetermined operation instructions received by the chat device via the network from a chat administrator (fig. 10 item 17) of the chat space of the chat devices (col. 1 lines 53- col. 2 line 19, figure 5 item 20-1- 20-k).

Detecting by the chat administrator a predetermined event occurring within the chat space of the chat devices (col. 6 lines 31-60, col. 2 lines 27-37, Shiiio shows events like raising hand, request to talk, and movement).

Determining at the chat administrator a plurality of different operation instructions for operating the representations of the chat participants installed in the chat devices, based on the detected event (fig. 10, item 17, and col. 11 lines 15-45, different operation instructions for controlling volume of speech relative to position col. 9 lines 1-13).

Determining at the chat administrator different chat device destinations corresponding to the determined plurality of the different operation instructions for operating the representations of the chat participants installed in the different chat device destinations (col. 11 lines 35-45, determining positions of characters in relation to each other in order to determine volume of speech to be sent to each destination).

Sending by the chat administrator the predetermined plurality of different operation instructions via the chat system to determine corresponding different chat device destinations to operate the representations of chat participants installed in the different chat device destinations (col. 11 lines 35-45, sending audio based on position).

Although Shiiio shows substantial features of the claimed invention, While Shiiio does shows different instructions for operating the volume of speech of each animated character, there is no specific instructions for determining different instruction to operate the *image* of the animated character. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Shiiio, as evidenced by Suzuki.

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In an analogous art, Suzuki shows a virtual space having avatars. A server controls the display of avatars to each respective terminal depending of each avatars position and viewing point (see abstract). The server functions to properly display all avatars (a2-a5) and respective events, such as movement, in the line of site of a respective avatar (a1) (see figure 18). The server sends each respective terminal having an avatar (a1-a6), different image representation of each avatar in the virtual space (see fig. 9a-9f, col. 1 line 57- col. 2 line 13, col. 15 lines 49-60).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Shiio to employ the feature shown by Shiio in order to have a more real-life representation of a shared space by using a user's eye movement through a virtual space to detect events in the virtual space.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiio and Suzuki in view of knowledge well known in the art.

Shiio shows a table having sender ID and receiver ID. Although address information is not explicitly shown, a person of ordinary skill in the art would realize that sender and receiver could be identified by their respective addresses. Shiio further shows a detecting time of event in a virtual space by detecting contending requests. Contending requests are requests by two or more users to of a shared application to perform the same event, like request to speak or use the chalkboard. Although the time of each event is not sent to the determined destinations, a person of ordinary skill in the art would have realized the feature in order to track the time an event happened in a history log for later reference such for play back or transcript records.



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Claims 6 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of knowledge well known in the art.

In referring to claim 6, Suzuki shows a table having avatar identifiers (fig. 8, col. 7 lines 30-41). Although address information is not explicitly shown, a person of ordinary skill in the art would realize that sender and receiver could be identified by their respective addresses. Suzuki further shows a detecting time of event in a virtual space (col. 5 lines 45-51). Although the time of each event is not sent to the determined destinations, a person of ordinary skill in the art would have realized the feature in order to track the time an event happened in a history log for later reference such for play back or transcript records. Examiner hereby takes official notice on the above points as being well known in the art at the time the invention was made.

In referring to claim 13, Suzuki show chat event detector for detecting predetermined events from among a plurality of association table events comprising participants in the chat space (fig. 8), withdraw from the chat space (fig. 5, 53B, showing participants not in view), and no statement or movement has been made in a specified time (col. 6 lines 55-58). Although Suzuki shows substantial features of the claimed invention, Suzuki does not show number of chat participants exceeds a predetermined number, a change in mode of a topic, a statement of a chat participant nickname or name, chatting is frequent, and specifying a chat participant image representation. Nonetheless a person of ordinary skill in the art would have realized these features are well known events in a chat environment. Examiner hereby takes official notice on the above points as being well known in the art at the time the invention was made.

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Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Shiio.

Although Suzuki shows substantial features of the claimed invention, Suzuki does not show detecting overlapping events. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Suzuki as evidenced by Shiio.

In an analogous art Shiio shows a virtual conferencing system for displaying animated characters within a virtual space (see abstract, fig. 7) Shiio shows a method for handling a plurality of events which occur at the same time as overlapping events, wherein the operation instruction determiner processes the detected overlapping events according to a specified event processing method (col. 9 line 61- col. 10 line 13).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Suzuki to employ the feature shown by Shiio, in order to effectively communicate in a virtual space with other user in real world manner which allows users to take turns speaking, thereby allowing everyone in a virtual space to heard.

In referring to claim 15, Shiio shows overlapping events executed sequentially according to priority (col. 9 lines 65- col. 10 line 5).

In referring to claim 16 and 17, Shiio shows selection criteria for selecting one of a plurality of the detected overlapping events (col. 9 lines 61- col. 10 line 39) according to:

If same event occurs within a specified time period, ignoring second and subsequent occurrence of the same event (col. 9 line 65- col. 10 line 1, lower priority event is not executed in preference for higher priority event),

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Selecting a first event within a specified time (selecting event with higher priority),

Selecting one of the detected overlapping events according to a priority assigned to each event in the association table (col. 10 lines 14-23).

### *Conclusion*

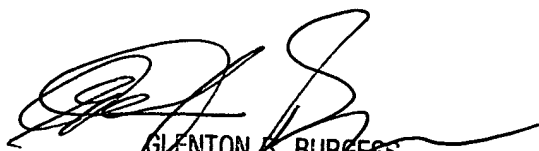
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita Choudhary  
October 22, 2004

  
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